ARE YOU A HOUSEHOLD PACKAGING PRODUCER IN BELGIUM? (PPWR)

Tree 1 of 2: sales packaging and grouped packaging. Answer the 4 questions below from left to right

This tree applies to sales packaging and grouped packaging; for service packaging and e-commerce packaging, use tree 2. One producer per packaging unit (recital 122). Fost Plus for household packaging, Valipac for industrial packaging (transport packaging, except e-commerce packaging and primary production packaging). Full explanation and sources: see page 3.

START HERE

Right Tree Does the packaging, together with the product, constitute a sales unit, or a grouping of sales units at the point of sale (sales or grouped packaging)? Then you are on the right page.

Other Tree Is the packaging designed and intended to be filled at the point of sale to hand over the product (e.g. carrier bag, disposable plate or cup, sandwich bag, aluminium foil), or is it a separate shipping element in e-commerce that goes to a consumer (shipping box or mailer bag)? Then go to tree 2, page 2..

Per packaging **Go through the tree separately for each packaging:** your company may have a different role for different packaging, e.g. producer of the sales packaging, but not of the shipping box around that product.

Sales or grouped packaging your company trades in Belgium

1 **Does this packaging become packaging waste in Belgium, in whole or in part?**

** Are you unsure? Answer YES. A producer can never know for certain where the packaged product will be consumed and the packaging will become waste.*

YES* → **2** **Are you the manufacturer[1] of this packaged product, and are you established in Belgium?**

NO → **3** **Are you the first company in Belgium to enter the chain for this packaged product?**

E.g. as an importer (from a third country) or national importer (from another Member State), such as a supermarket buying packaged products in another Member State. Are you the end user[2] yourself, and does a foreign company deliver directly to you? Then answer NO: that foreign company is the producer.

NO → **4** **Do you supply, from abroad, directly to the end user[2] of the packaged product in Belgium?**

E.g. a foreign online store that sells and ships directly to Belgian consumers.

NO → **NOT A PRODUCER IN BELGIUM**
Not on the basis of this packaging. Another link in the chain may be.

YES (from 2) → **PRODUCER**
Then your company is the producer: there is no one before you in the Belgian chain. Join Fost Plus.
art. 3(1)(15)(b) · see p. 3

YES (from 3) → **PRODUCER**
Then your company is the producer: you are the first company to enter the chain in Belgium (importer or national importer). Join Fost Plus.
art. 3(1)(15)(b) · see p. 3

YES (from 4) → **PRODUCER**
Then your company is the producer: even though you are not established in Belgium. Your representative joins Fost Plus.
art. 3(1)(15)(b) · see p. 3

NO (from 1) → **NOT A PRODUCER IN BELGIUM**
Check in which Member State this does happen. When supplying directly to the end user, your company bears producer responsibility for this packaging in that Member State.

[1] Who is the manufacturer

1. Basic rule: the manufacturer is the filler: whoever fills the product into the packaging. For grouped packaging, it is whoever groups the sales units.
2. Own name or trademark: if a company has the packaged product designed or manufactured under its own name or trademark, that company is the manufacturer, regardless of whether another trademark is also visible.
3. Micro-enterprise: if that company is a micro-enterprise with a supplier in the same Member State, the supplier is the manufacturer and producer (if established in Belgium), not that company.

art. 3(1)(13)

[2] End user

The end user is whoever receives the packaged product and does not further make it available on the market in the form in which it was supplied:
- a consumer, also during online purchase, or
- a company that uses the packaged product itself, e.g. in its production (professional end user).

Not an end user: whoever resells the packaged product, or a logistics company that unpacks it or repacks it into smaller quantities, even without owning it. Then you're the filler of that new package (question 2).

art. 3(1)(23)

Authorised representative

Are you a producer in Belgium, but not based in Belgium? Then you need an authorised representative* for extended producer responsibility (EPR) to be allowed to sell in Belgium.

* At the EU level, an exemption is being discussed for producers from another member state. This exemption does not apply to producers based in a third country. Not yet finalized.

art. 44-45 · zie p. 3

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ARE YOU A HOUSEHOLD PACKAGING PRODUCER IN BELGIUM? (PPWR)

Tree 2 of 2: service packaging and e-commerce packaging. Answer the 4 questions below from left to right

This tree applies to service packaging and, at your choice, also to e-commerce packaging; for sales packaging and grouped packaging, use tree 1.. One producer per packaging unit (recital 122). Fost Plus for household packaging, Valipac for industrial packaging (transport packaging, except e-commerce packaging and primary production packaging). Full explanation and sources: see page 3.

START HERE

Right Tree	Is the packaging designed and intended to be filled at the point of sale to hand over the product (e.g. carrier bag, disposable plate or cup, sandwich bag, aluminium foil), or is it a separate shipping element in e-commerce that goes to a consumer (shipping box or mailer bag)? Then you are on the right page.
Other Tree	Do you simply ship a product in its own sales packaging, without a separate shipping element (e.g. a shoebox that goes out the door unchanged)? Then it remains sales packaging: use tree 1, page 1 (FAQ Chapter II, Question 10). Do you add a shipping element? Then this tree applies to that shipping element, and tree 1 to the sales packaging inside it..
Per packaging	**Go through the tree separately for each packaging:** your company may have a different role for different packaging, e.g. producer of the sales packaging, but not of the shipping box around that product.

Service or e-commerce packaging your company trades in Belgium

1 **Does this packaging become packaging waste in Belgium, in whole or in part?**

** Are you unsure? Answer YES. A producer can never know for certain where the packaged product will be consumed and the packaging will become waste.*

YES* → **2** **Are you the manufacturer[1] of this packaged product, and are you established in Belgium?**

NO → **3** **Are you the first company in Belgium to enter the chain for this packaged product in its empty form?**

E.g. as an importer (from a third country) or national importer (from another Member State), a store or restaurant that purchases shopping bags, disposable cups or bread bags in a third country or an online store that purchases empty shipping boxes or bags abroad and fills them here. Does a retail outlet purchase neutral service packaging directly from a manufacturer in another Member State? If so, see the box below..

NO → **4** **Do you supply, from abroad, directly to the end user[2] of the packaged product in Belgium?**

E.g. a foreign online store that ships orders in a shipping box or bag directly to Belgian consumers.

NO → **NOT A PRODUCER IN BELGIUM**
Not on the basis of this packaging. Another link in the chain may be.

YES → **PRODUCER**
Then your company is the producer: there is no one before you in the Belgian chain. Join Fost Plus.
art. 3(1)(15)(b) · see p. 3

YES → **PRODUCER**
Then your company is the producer: you are the first company to enter the chain in Belgium (importer or national importer). Join Fost Plus.
art. 3(1)(15)(b) · see p. 3

YES → **PRODUCER**
Then your company is the producer: even though you are not established in Belgium. Your representative joins Fost Plus.
art. 3(1)(15)(b) · see p. 3

NO → **NOT A PRODUCER IN BELGIUM**
Check in which Member State this does happen. When supplying directly to the end user, your company bears producer responsibility for this packaging in that Member State.

[1] Who is the manufacturer

1. Basic rule: the manufacturer is normally whoever manufactures the packaging: for service packaging, whoever manufactures it in its final form (e.g. carrier bags, disposable plates and cups, sandwich bags, aluminium foil); for ecommerce packaging, whoever manufactures the shipping box or mailer bag. For neutral packaging, without name or trademark, this remains the case, even if another company uses it.
2. Own name or trademark: does the packaging clearly bear the name or trademark of the company using it (e.g. a shop on the carrier bag, a webshop on the shipping box)? Then that company is the manufacturer, regardless of whether another trademark is also visible.
3. Micro-enterprise: if that company is a micro-enterprise with a supplier in the same Member State, the supplier is the manufacturer and producer (if established in Belgium), not that company.

Art. 3(1)(13) · FAQ II, Question 5 · Notice, Section 2

! Under discussion: service packaging

If a retail outlet (e.g., a bakery, butcher, store or food service establishment) purchases service packaging without its own name or trademark directly from a manufacturer in another Member State or in a third country, it is not yet clear who the producer is. If the retail outlet is considered the end user of that packaging, then the foreign manufacturer is the producer (question 4). If the retail outlet is considered the final distributor, then the retail outlet itself is the producer (question 3). Fost Plus has submitted a question on this matter to the European Commission.

Selling via a platform or marketplace?

The platform does not become a producer simply because it facilitates sales. It must, however, check whether you are registered as a producer, and it can carry out your EPR obligations under a written mandate. Does the platform or a fulfilment centre itself pack into a new box or bag with or without trademark? Then that company goes through this tree for that packaging and it may be the producer itself .

Art. 45 · see p. 3

[2] End user

An end user is anyone who receives the packaged product and does not resell it in the form in which it was delivered:
- a consumer or a business that uses the packaged product itself.
For example, a consumer who receives an online order.
Whether a retail outlet is considered an end user of service packaging is still under discussion (see question 3).

art. 3(1)(23)

Authorised representative

Are you a producer in Belgium, but not based in Belgium? Then you need an authorised representative* for extended producer responsibility (EPR) to be allowed to sell in Belgium.

* At the EU level, an exemption is being discussed for producers from another member state. This exemption does not apply to producers based in a third country. Not yet finalized.

art. 44-45 · see p. 3

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ARE YOU A HOUSEHOLD PACKAGING PRODUCER IN BELGIUM? (PPWR)

Definitions and references to the FAQ and Commission Notice C(2026)3702, supplementing tree 1 and tree 2

This page brings together the concepts and references to the FAQ and the Commission Notice needed to complete tree 1 (sales and grouped packaging) and tree 2 (service and e-commerce packaging) correctly. The PPWR text itself remains the primary source; the Commission FAQ and Notice C(2026)3702 provide clarification but are not binding. Wording without quotation marks is a practical summary, not a literal quotation.

1. Packaging Categories

Sales and grouped packaging → tree 1

Packaging that, together with the product, constitutes a sales unit (sales packaging), or a grouping of sales units at the point of sale (grouped packaging). Test: the packaged product (Art. 3(1)(15)(b)/(d)).

Service- en e-commercepackaging → tree 2

Service packaging: packaging designed and intended to be filled at the point of sale to hand over the product (PPWR Annex I: paper or plastic carrier bags, disposable plates and cups, cling film, sandwich bags, aluminium foil, plastic film for protecting cleaned clothes in laundries). Test: the empty packaging (Art. 3(1)(15)(a)/(c)).

E-commercepackaging for electronic trade, art. 3(1)(8)

"E-commerce packaging": transport packaging used to deliver products in the context of sale online or through other means of distance sales to the end user.
The FAQ (Chapter II, Question 4) calls this a specific form of transport packaging. Legally it is transport packaging, but in Belgium it is treated as household packaging when it is delivered to a consumer (B2C); for deliveries to a business (B2B), it is commercial packaging (Valipac).

Note: sales packaging that is also shipped (FAQ Chapter II, Question 10)

Do you simply ship the product in its own sales packaging, without adding a separate shipping element? Then it remains sales packaging (tree 1). Only when a separate shipping element is added (shipping box or mailer bag) does e-commerce packaging arise: then go through tree 2 for that shipping element, and tree 1 for the sales packaging inside it.

Online platforms and marketplaces (art. 45)

A platform that only facilitates sales by third parties does not thereby become a producer itself. Before admitting a seller, it must check whether the seller is registered as a producer (registration number and self-certification), and it can carry out that seller's extended producer responsibility (EPR) obligations under a written mandate. If the platform or a fulfilment centre carries out the packing itself, with or without trademark (e.g. bundling shipments in a new box or bag), it goes through tree 2 itself for that shipping element and it may be the producer itself.

Under Discussion: Neutral Service Packaging from Another Member State

If a retail outlet (e.g., a bakery, butcher shop, store, or food service establishment) purchases service packaging without its own name or trademark directly from a manufacturer in another Member State or in a third country, the PPWR, the Communication, and the FAQ allow for different interpretations:

- **The retail outlet is the end user** of the service packaging (Art. 3(1)(23)): in this case, the foreign manufacturer is the producer, because it supplies directly to the end user (Art. 3(1)(15)(c)).
- **The retail outlet is the final distributor or importer**: in that case, the retail outlet itself is the producer as the first link in the Belgian chain, by analogy with FAQ Chapter II, Question 9 regarding shipping packaging (anyone who fills empty boxes from another Member State is the producer).In the second case, many small retail outlets become subject to the UPV obligation. Fost Plus has submitted a question on this matter to the European Commission. If the retail outlet purchases goods from a third country, it is the importer and therefore the producer (Tree 2, Question 3).

Out of scope for both trees

Industrial packaging (Valipac) and reusable packaging within a reuse system.

Unpacker (Art. 3(1)(15)(e)). Anyone who unpacks packaged products without being an end user is considered the producer of the removed packaging, unless another company already holds that status. That packaging does not reach households and is therefore generally industrial packaging. That is why this is not included in the trees.

2. Who is the producer? (art. 3(1)(15))

Point	Situation	Applies in
(a)	Established in Belgium, itself makes the empty transport, service or primary production packaging available on the Belgian market for the first time	Tree 2 (service/e-commerce)
(b)	The manufacturer (filler) of the packaged product, if established in Belgium; if not established in Belgium, the first other Belgian company to make it available on the market (e.g. as an importer from a third country, or as a national importer from another Member State)	Tree 1 (ver(sales/grouped)koop/groep)
(c)	Not established in Belgium, supplies the empty packaging directly to the Belgian end user	Tree 2 (service/e-commerce)
(d)	Not established in Belgium, supplies the packaged product directly to the Belgian end user	Tree 1 (v(sales/grouped)erkoop/groep)
(e)	Unpacks packaged products without being the end user ("unpacker"), unless another party is already the producer under (a)-(d)	Not in the trees: typically industrial packaging (see "Out of scope")

Importer, national importer and distributor

Importer: established in the EU and places packaging or packaged products from a third country on the market (Art. 3(1)(17)). National importer: buys packaging or packaged products in another Member State and makes them available in Belgium; in PPWR terminology this is a distributor (Art. 3(1)(18)), i.e. any person in the supply chain, other than the manufacturer or the importer, that makes packaging available on the market

First company on the Belgian Market

Is the manufacturer (for sales/grouped: the filler; for service and e-commerce packaging: the manufacturer of the empty packaging) established in Belgium? Then that manufacturer is the producer: there is no one before it in the Belgian chain. Is the manufacturer not established in Belgium? Then the first other Belgian company to enter the chain (an importer from a third country, or a national importer from another Member State, e.g. a supermarket buying packaged products in another Member State) is the producer (recital 122; Notice C(2026)3702, Section 3). If a foreign company supplies directly to you as end user, that foreign company is the producer, not you (point (d)).

One producer per packaging (recital 122)

The PPWR explicitly aims to designate one producer per packaging unit, both for empty packaging and for packaged products. As soon as a link in the chain meets the conditions of Art. 3(1)(15), it is the producer for that specific packaging; this does not shift to a subsequent link in the same chain. So go through the trees separately for each packaging: the same company may be the producer for one packaging and not for another.

Authorised representative(art. 44-45)

Are you a producer in Belgium but based elsewhere in the EU or in a third country?
Then you must appoint an authorised representative for extended producer responsibility in Belgium (Art. 45(3)): for EU producers this is mandatory EU-wide; for third-country producers, Belgium has additionally made it mandatory. Without registration, yourself or via that representative, you may not enter the Belgian market (Art. 44(4)). **Under discussion (not yet final):** An exemption for producers from another Member State is being discussed at the EU level.

- **Commission** (December 2025): Suspension for producers from another Member State.
- **European Parliament** (vote on October 20, 2026): Exemption only for micro and small enterprises established in the EU, i.e., fewer than 50 employees and an annual turnover or balance sheet total of up to 10 million euros.
- **Council** (October 21, 2026): Exemption for those who place less than 1 ton per year on the market in another Member State.

Negotiations between the Parliament and the Council have yet to begin. Nothing changes for producers from a third country.
Producers below 10 tonnes/year have a lighter reporting regime (Art. 44(8), Annex IX, Part B, point 2); this does not affect producer status itself and is outside the scope here.

End user (Art. 3(1)(23); Notice C(2026)3702, Section 3)

The end user is whoever in the EU receives a packaged product, as a consumer or as a professional end user, and does not further make it available on the market in the form in which it was supplied. Decisive for a company: does it use the packaged product itself, e.g. in its production? It always concerns the end user of the packaged product, not of the packaging material (For service packaging at the point of sale, this is still under discussion; see the "Under Discussion" card in column 1.) Anyone who removes the product from its packaging and repackages it into smaller retail units is not an end user: that company is the filler of that new packaging.

When to join Fost Plus

Fost Plus is the approved organisation for household packaging, including e-commerce packaging for consumers. For industrial packaging, Valipac is the approved organisation. There is no longer a minimum threshold: every producer joins, even for small quantities. Small sellers selling via an e-commerce platform with pay-on-behalf can join via that platform instead of themselves.

3. Who is manufacturer ? (art. 3(1)(13))

Basic rule: the physical manufacturer

The manufacturer is whoever manufactures the packaging or the packaged product (Art. 3(1)(13)). For sales/grouped packaging, this is the filler, whoever fills the product into the packaging; for e-commerce packaging, whoever manufactures the empty packaging; for service packaging, whoever manufactures it in its final form (this criterion applies only to service packaging). Someone who merely places an order, without their own name or trademark on the packaging, is not the manufacturer.

Exception: own name or trademark

Does a company have the packaging or the packaged product designed or manufactured under its own name or trademark? Then that company is the manufacturer, regardless of whether another trademark is also visible on the packaging or packaged product, for example the supplier's (Art. 3(1)(13)(a)).

Micro-enterprise as brand owner (art. 3(1)(13)(b))

Is the brand owner a micro-enterprise (Recommendation 2003/361/EC) and is its packaging supplier established in the same Member State? Then the supplier is the manufacturer, not the brand owner.

Service- en e-commercepackaging: who is the manufacturer ? (FAQ Chapter II, Question 5; Notice C(2026)3702, Section 2)

The manufacturer is normally the company that manufactures the transport packaging, or the service packaging in its final form (the latter criterion applies only to service packaging), unless the packaging clearly bears the name or trademark of the company using it; then that user is the manufacturer. Neutral packaging, without name or trademark (e.g. standard cardboard boxes, a neutral shipping box or mailer bag): the manufacturer remains the manufacturer, not the company that later uses it for shipping.

Dual name marking (FAQ Chapter II, Question 7)

Does packaging bear both the name of one company and the brand of another company? Then the assessment is made case by case, based on the contractual relationship between the two parties.

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